



Panel 5

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The New York Senate Education Committee

Senator Shelley Mayer, Chair

Foundation Aid Roundtable

December 3rd, 2019

Testimony of NY-AFFIRMS

Presented by Andrea Ortiz

Good afternoon and thank you Senator Shelley Mayer and the members of the New York Education Committee and Foundation Aid Roundtable. My name is Andrea Ortiz and I am an education policy specialist, advocate and community leader representing the New York Immigration Coalition (NYIC) and New York Advocating for Fair and Inclusive Resources for Multilingual Learners (NY-AFFIRMS). The NYIC is an umbrella policy and advocacy organization for more than 200 groups serving immigrants and refugees across New York State. NY-AFFIRMS is a recently formed coalition that brings together New York State advocates for multilingual learners (MLLs), including educational, advocacy and community-based organizations, and educators from around the state to advocate for adequate resources to meet the educational needs of MLLs and their families. The NYIC and NY-AFFIRMS wish to thank you, Senator Mayer, for being a champion for education in New York and for your steadfast leadership on issues that affect immigrant learners and their educators. And we wish to extend our gratitude to all of you for this opportunity to testify.



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The NYIC has a long-standing history of convening community leaders from across NY's diverse communities at the grassroots level, advocates, and practitioners to advocate for immigrant learners. With over 30 years of experience reforming the state's educational system, the NYIC has a distinguished track record of improving Multilingual Learners' and immigrant students' access to resources and working with the NY State Education Department to address barriers immigrants face. The NYIC member organizations specifically serve the needs of marginalized immigrant communities - including newly-arrived immigrants, low-income families, and youth and adults with limited English proficiency. By participating in NY-AFFIRMs, the NYIC is working to develop strategic collaborations that can effectively address the lack of adequate resources available to high needs school districts around the state tasked with serving our growing immigrant populations.

Educational advocates and community based organizations serving immigrant learners and families in NYC are deeply worried about resource disparities, because we know first hand how inadequate resources have short-changed our English Language Learner communities. Therefore, today we are here to talk to you about how our schools have been impacted by the failure to properly use the Foundation Aid formula. As of November 2018, New York City system is owed close to \$1.5 billion dollars. While not all schools in NYC are equally affected, some schools that serve more than the state average of MLLs are owed up to \$6.8 million dollars per year (e.g. Fort Hamilton High School). What does this mean in practice for NYC? There are an inadequate number of quality programs that can successfully serve older immigrant students (17 - 21 year olds),

including newcomers, students with gaps in their formal education and long term Multilingual Learners.

We should be disturbed by the fact that only one-third of MLLs graduate on time compared to three-quarters of all students, despite the fact that MLLs have the potential to outperform native-English-speaking peers if given the right support. More tellingly, more than one in four MLL students drop out of school. Older MLLs, Students with Interrupted/Inconsistent Formal Education (SIFE), and MLLs with severe cognitive disabilities face even greater barriers to finding adequate programs and thus struggle to graduate before they age out of school at the age of 21. In addition to being academically behind their peers, SIFE students often have a complex and sometimes intensive need for psychological and social support. Improving the options for MLL youth is a critical component of addressing the dropout rate and boosting graduation rates. And while the issue of access to seats in “good” schools has been front and center in the current debate around specialized high schools, much of the current debate about segregation and exclusion has missed a major systemic challenge for immigrant learners, namely that across the system resource disparities have created an inaccessible system where there are not enough quality programs designed to serve high needs Multilingual Learners.

The lack of access to successful programs for older MLLs has been a problem long observed by our members who help families at all levels of the enrollment process. They have consistently found that particularly older newcomers and SIFE students are not being given adequate choices. Moreover, Young Adult Borough Centers and many transfer schools do not have adequate supports



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for Multilingual Learners and will not enroll older MLLs, despite the fact that traditional night school programs in Queens and Brooklyn that historically served these students were closed as part of Mayor Bloomberg’s controversial school reforms. Due to NYC’s funding gap, our district and our schools are hard-pressed to offer robust programming for our immigrant learners. Therefore, creating new programs, with qualified educators and robust wraparound supports for these high-needs students is close to impossible without adequate funding from the state.

The Foundation Aid formula was designed to provide predictable and transparent funding for New York’s public schools, free of political manipulations. Yet since 2011, instead of funding the court-ordered Foundation Aid formula, New York State substitutes politicized and temporary formulas that change from year to year and consistently leave our highest needs schools drastically underfunded. And while the state calls these temporary funding formulas “Foundation Aid,” they are Foundation Aid in name alone. If the state were to actually fund the Campaign for Fiscal Equity’s (CFE) original Foundation Aid formula, our schools would already be receiving \$4 billion more than they currently are. Who suffers? While the schools and our educators struggle to make ends meet, it is our students who feel the most immediate impact - they are the ones who will continue to suffer day in and out, unless we change course. **Therefore, the singular most important improvement the state can make in the 2020 legislative session is to implement the real Foundation Aid Formula — instead of doing so in name only — by fully funding it.**

While there are regulations already in place to provide bilingual and ENL programs in places like NYC, the state has not allocated sufficient funds to ensure this policy does not burden but



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rather support our hard working educators and high needs schools. Without adequate funding to hire teachers and support staff, develop curriculum, and have robust community engagement bilingual programs will never be fully accessible for families who need it. Not to mention, every year existing bilingual programs struggle to stay sustainable.

Therefore, I fiercely believe that more attention is needed to assist our highest-needs students. With additional funding, our school could hire bilingual and culturally responsive staff members, including teachers and social workers, to help our children and improve their development. We hope the state will fulfill its regulatory vision to provide high-quality ENL and bilingual programs and proper family engagement, yet until we secure Foundation Aid as it was originally designed, year after year we will miss the mark due to the lack of adequate funding. NY-AFFIRM leaders want to do our part to fix this problem. But we need your leadership too.

Alongside all the leaders and members of NY-AFFIRMS, I am speaking up for the original Foundation Aid formula because we know that our schools can serve as the most direct avenues to address systemic racism and integrate immigrant learners in our communities. However, pursuing these goals will be impossible without fully funding the Foundation Aid Formula. Currently, 71% of Foundation Aid money is owed to school districts with 40% or more Black and Latinx students. Failing to fund the formula is not only denying the full worth of Black and Brown students, but it is also perpetuating educational racism. Schools that educate Black and immigrant students often have to make choices such as offering music, art, and physical education on rotation because they cannot afford to offer them every week, whereas schools with majority White students, do not have

to make such choices. Furthermore, English Language and Multilingual Learners are often underserved, as schools cannot fully provide the programs they need to thrive, such as bilingual educators, social workers, and guidance counselors. Without robust funding streams that objectively and consistently allocate resources based on needs, even delivering the basic programs required by law and regulations is nearly impossible, as seen by the numbers of Bilingual and ENL programs around the state that are currently being taught by uncertified educators.

While we recognize that today's Roundtable has been presented as an opportunity to speak to how the Foundation Aid formula could be improved, NY-AFFIRMs seeks to show that the biggest problem with the formula is that it has been consistently underfunded. New York state committed to phase in \$5.5 billion in new Foundation Aid from 2007-2011. Yet it is a decade later and the state has yet to fulfill its promise. Today, New York State still owes public schools \$4 billion in Foundation Aid according to the New York State Education Department (NYSED). This toxic situation has been consistently maintained since the recession despite the fact that research continually shows that 10% increases of funding each year closely correlates with opportunities and outcomes.¹ Nevertheless, every year the state comes up with excuses for not funding it. While the political context for school funding keeps getting more politicized and complicated one thing is simple -- without adequate resources, schools cannot educate our students and offer them the opportunities they deserve.

¹ Jackson, C. K., R. Johnson, and C. Persico. (2015). The effects of school spending on educational and economic outcomes: Evidence from school finance reforms. *The Quarterly Journal of Economics* 131(1): 157–218.



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The original Foundation Aid formula addresses the needs of our diverse school districts based on factors including the prevalence of student poverty, disability and English language learners, regional costs and other economic conditions. Due to the State's failure to fully fund the Foundation Aid formula since 2008-09, schools in poor districts have seen class sizes spike, services for English language learners reduced, curriculum offerings curtailed, teachers positions eliminated, cutbacks in guidance counsellors, social workers and librarians, and reductions in tutoring for students who are not meeting state standards. These cuts in the quality of education have hit students in the poorest districts the hardest. Yet if the Foundation Aid formula was fully funded, it would provide high-need school districts with the resources needed to meet their students' needs.

Only after New York State stops violating our students' constitutional right to a sound basic education by fully funding the Foundation Aid Formula should we reassess the Formula's original variables. Foundation Aid was enacted after 14 years of high profile lawsuits, *Campaign for Fiscal Equity v. The State of New York*, extensive public debate and considerable engagement from the widest possible range of stakeholders. Foundation Aid was created to provide an infusion of school aid dollars to both meet the mandate of the Court of Appeals decision in CFE v The State of New York, and to provide school districts with a fair, transparent and predictable aid program that properly reflects the needs of students and taxpayers across the entire state. Therefore, we should table's today's debates about how to improve the Formula until the year after the original Formula is fully funded. Only then will we have adequate data to understand the extent of the problem and



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the practical understanding of how an objective and consistent Formula can be successfully implemented.

We once again we restate that the first and most important step the state should take in the 2020 legislative session to improve education for immigrant learners is to actually use the Foundation Aid Formula - instead of only doing so in name. And to do so, the state must be committed to fully funding the original formula.

Fully fund the Foundation Aid formula in the 2021 state budget. Only once the formula is fully funded, then the Legislature should consider ways to strengthen the formula.